

### **Remarks**

Claims 1-28 remain in the application. Claims 1, 12, 16, 21, 26, and 28 are hereby amended. No new matter is being added.

### **Drawings**

The applicants respectfully submit the two replacement sheets including FIGS. 1 and 7 for the two original sheets with those same figures. FIGS. 1 and 7 in the replacement sheets have been revised to replace "Background Art" with –Prior Art— in accordance with the requirement of the Examiner.

### **35 U.S.C. § 102**

Claims 1-4, 8, and 10-28 were rejected under 35 U.S.C. 102(b) as being anticipated by Lo et al. (U.S. Pat. 6,232,787). The applicants respectfully traverse this rejection in relation to the claims as now amended.

Regarding claim 1, claim 1 as amended now requires that "the stage bias voltage is controlled so as to be substantially proportional to the desired voltage level of the surface charge." This limitation is supported by FIG. 4 and the description thereof on page 8 of the original specification. For convenience, FIG. 4 is reproduced below.

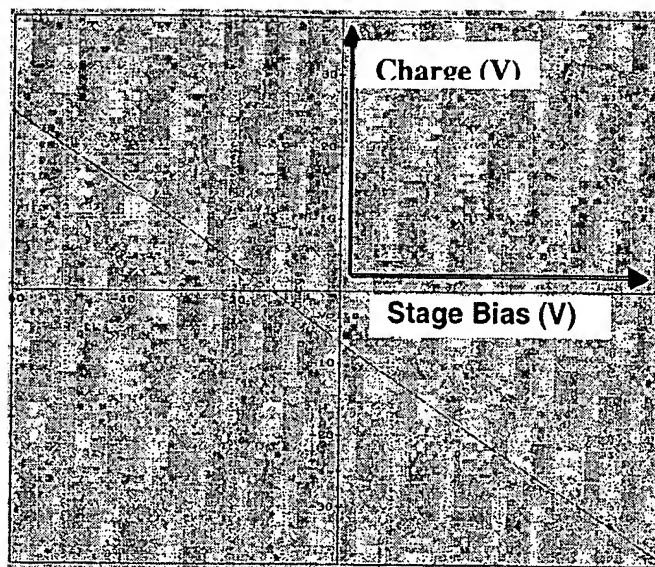


FIG. 4

Lo et al. neither discloses nor suggests setting a surface charge of an area to a desired voltage level by controlling the stage bias voltage so as to be substantially proportional to the desired voltage level. Hence, applicants respectfully submit that claim 1 as amended is now patentably distinguished over Lo et al.

Claims 2-4, 8, and 10-11 depend from claim 1. Therefore, these claims are also now patentable over Lo et al. for at least the same reasons as discussed above in relation to claim 1.

Regarding claim 12, claim 12 is similarly amended and now requires that "the stage bias voltage is controlled so as to be substantially proportional to the desired voltage level." Lo et al. neither discloses nor suggests setting a surface charge of an area to a desired voltage level by controlling the stage bias voltage so as to be substantially proportional to the desired voltage level. Hence, applicants respectfully submit that claim 12 as amended is now patentably distinguished over Lo et al.

Claims 13-15 depend from claim 12. Therefore, these claims are also now patentable over Lo et al. for at least the same reasons as discussed above in relation to claim 12.

Regarding claim 16, claim 16 as amended now requires both “an in-focus detector configured to detect an in-focus band in data collected from the monitor beam” and that “the monitoring area of the substrate has sufficient edge content so as to locate the in-focus band between out-of-focus areas.” These limitations are supported by FIGS. 8, 9, and 10 and the description thereof on pages 11-15 of the original specification. For convenience, FIGS. 9 and 10 are reproduced below.

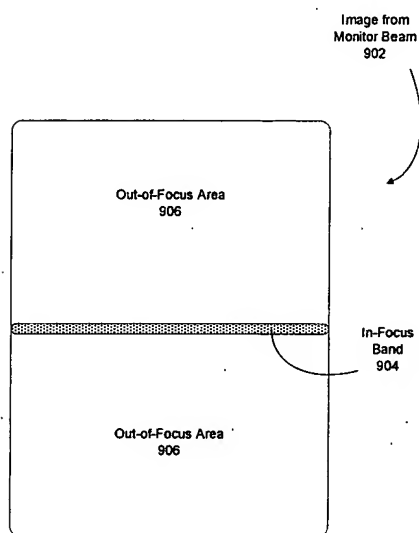


FIG. 9

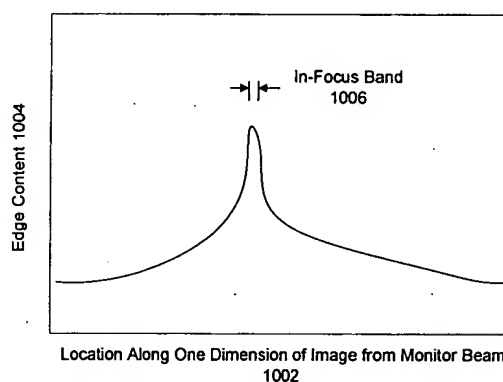


FIG. 10

Lo et al. neither discloses nor suggests the claimed limitations of both “an in-focus detector configured to detect an in-focus band in data collected from the monitor beam” and that “the monitoring area of the substrate has sufficient edge content so as to locate the in-focus band between out-of-focus areas.” Hence, applicants respectfully submit that claim 16 as amended is now patentably distinguished over Lo et al.

Claims 17-20 depend from claim 16. Therefore, these claims are also now patentable over Lo et al. for at least the same reasons as discussed above in relation to claim 16.

Regarding claim 21, claim 21 is similarly amended and now requires both “detecting an in-focus band in data collected from the monitor beam” and that “the monitoring area of the substrate has sufficient edge content so as to locate the in-focus band between out-of-focus areas.” Lo et al. neither discloses nor suggests these claimed limitations. Hence, applicants respectfully submit that claim 21 as amended is now patentably distinguished over Lo et al.

Claims 22-27 depend from claim 21. Therefore, these claims are also now patentable over Lo et al. for at least the same reasons as discussed above in relation to claim 21.

Regarding claim 28, claim 28 as amended now requires that “the stage bias voltage is controlled so as to be substantially proportional to the desired voltage level of the surface charge.” This limitation is the same one as discussed above in relation to claim 1. Hence, claim 28 is also now patentable over Lo et al. for at least the same reasons as discussed above in relation to claim 1.

#### 35 U.S.C. § 103

Claims 5-7 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lo et al. (U.S. Pat. 6,232,787). The applicants respectfully traverse this rejection in relation to the claims as now amended.

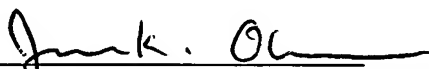
As discussed above, claim 1 as amended is now patentably distinguished over Lo et al. This is at least because claim 1 now requires that “the stage bias voltage is controlled so as to be substantially proportional to the desired voltage level of the surface charge.” Claims 5-7 and 9 depend from claim 1. Hence, claims 5-7 and 9 are also now patentable over Lo et al. for at least the same reasons as discussed above in relation to claim 1.

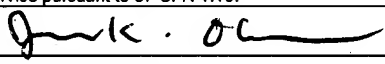
Conclusion

For at least the above-discussed reasons, applicants believe that claims 1-28, as amended, are now patentably distinguished over the cited art. Favorable action is respectfully requested. The examiner is also invited to call the below-referenced attorney to discuss this case.

Respectfully Submitted,

Dated: July 26, 2004

  
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